

**FEDERAL PUBLIC DEFENDER
DISTRICT OF NEW JERSEY**

RICHARD COUGHLIN
FEDERAL PUBLIC DEFENDER

1002 Broad Street
Newark, New Jersey 07102

CHESTER M. KELLER
FIRST ASSISTANT

SENT BY EMAIL

Hon. Cathy L. Waldor
United States District Court
District of New Jersey
50 Walnut Street
Newark, NJ 07102

December 16, 2020

Re: *United States v. Maria Bell*, Case No. 2:20-mj-9451

Dear Judge Waldor:

I write to request a bail hearing tomorrow in the above-captioned case. My understanding is that the Court is able to hold a hearing tomorrow at 10:30 a.m. The government has informed chambers, however, that the Assistant U.S. Attorney handling this case will not be available at that time, and that in any event it could not be prepared because “the FBI agents [will need] to participate.” I asked the government to contact me but have yet to hear back.

I recognize this letter is unusual, but the circumstances demand it: if Ms. Bell does not receive a bail hearing tomorrow, there is a strong possibility, given the holidays and the Court’s schedule, that she will not receive such a hearing till January 2021, and thus will spend at least 2.5 weeks longer incarcerated than the defense believes is warranted.

Ms. Bell’s right as a defendant who is presumed innocent to be free pending trial under the Bail Reform Act trumps the government’s inability to make its preferred attorney and various FBI agents available for the hearing—particularly since the government is able to present evidence by proffer at a bail hearing. 18 U.S.C. § 3142(f)(2)(B). Indeed, most bail hearings “proceed on proffers” and do not “involve live testimony or cross examination.” *United States v. Abuhamra*, 389 F.3d 309, 321 n.7 (2d Cir. 2004). “This is because bail hearings are typically informal affairs, not substitutes for trial or discovery.” *Id.* The government has surely been investigating Ms. Bell for at least a few months. Undersigned counsel has known about this case for three weeks. The government, with all its resources, should be prepared for a bail hearing on short notice.

For the foregoing reasons, the Court should grant Ms. Bell's motion for a bail hearing tomorrow.

Respectfully submitted,

/s/ Rahul Sharma, AFPD
(973) 320-7350
rahul_sharma@fd.org